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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,233	07/14/2003	Daniel Robin Smith	0275V-000763	5825
27572	7590	02/17/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			DAVIS, OCTAVIA L	
			ART UNIT	PAPER NUMBER
			2855	

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/619,233	SMITH, DANIEL ROBIN
	Examiner	Art Unit
	Octavia Davis	2855

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on Applicant's amendment filed 12/8/04.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1,3-7 and 9 is/are rejected.
- 7) Claim(s) 2 and 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/9/04 and 12/8/04</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3 – 7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber et al.

Regarding claim 1, Weber et al disclose a blind rivet setting system comprising a tool 12 having a front end face against which a blind fastener 14 is held during a setting operation, and having a piezo-electric thin film lead measuring device 78, 80 mounted on the front end face so as to be disposed and compressed between said front end mounted face and a fastener during said setting operation (See Cols. 3 and 4, lines 21 – 27 and 28 – 32).

Regarding claim 3, a bending element 40 is securely mounted on the front end face, wherein bending deformation of the generator generates a low voltage electrical signal (See Col. 4, lines 28 – 35).

Regarding claim 4, the front end face includes a central aperture 30 and the measuring device includes an aperture 35 (See Col. 3, lines 37 – 39).

Regarding claim 5, a protective cover 20, 28 is mounted on an external face of said measuring device 78 (See Col. 3, lines 37 – 39).

Regarding claims 6 – 7, a control circuit 16 is connected to receive said voltage output from said load measuring device for measuring the load exerted on the fastener (See Cols. 3 and 4, lines 21 – 27 and 27 – 33).

Regarding claim 9, a measured time difference between a first load peak F1 corresponding to a mandrel entry point and a second load peak F3 corresponding to a mandrel setting point of such fastener is determined (See Col. 5, lines 40 – 60) and the measured time difference is compared to a predetermined time difference value indicative of an optimum setting time difference and generating an output signal in the event that the measured time difference is greater than the predetermined time difference indicative of a free set operation (See Col. 5, lines 61 – 67 and Col. 6, lines 1 – 14).

*Allowable Subject Matter*

3. Claims 2 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

*Conclusion*

4. For clarification purposes, the examiner would like to point out that in the previous 102 and 103 rejections, the Chitty reference applied to the Byrne and Chitty reference, Patent No. 5,661,887.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pratt et al (5,354,160) disclose a composite fastener.

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5. Any inquiry concerning this communication should be directed to examiner Octavia Davis at telephone number (571) 272 - 2176. The examiner can normally be reached on Monday - Thursdays (9:00 - 5:00), Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Lefkowitz, can be reached on (571) 272 - 2180. The fax phone number for the organization where this application or proceeding is assigned is (703) 872 - 9306.

OD

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2/9/05



MAXNOORI  
PRIMARY EXAMINER